

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09cr17**

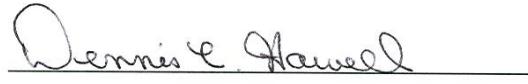
UNITED STATES OF AMERICA,)	
)	
)	
)	
v.)	ORDER
)	
ALBERT CHARLES BURGESS,)	
)	
Defendant.)	
)	

Pending before the Court are the Motions to Motions to Dismiss [# 247 & # 251]. In 2009 a jury found Defendant guilty of two counts of violating 18 U.S.C. § 2252(a). Since that date, Defendant has inundated the Court with an endless barrage of frivolous and repetitive motions. The latest two dispositive motions are one and half page pleadings purporting to be motions to dismiss. One motion requests that the Court dismiss the charges against him as the result of unsupported allegations of judicial misconduct and prosecutorial misconduct. The other motion moves to dismiss the charges against him on the basis that the Court has no jurisdiction to enforce Section 2252, which prohibits the transportation and distribution of child pornography. 18 U.S.C. § 2252(a).

As a threshold matter, the Court notes that this Court and the District Court

have already addressed several of the issues raised in Defendant's motions in prior Orders. (See e.g. Mem. & Recommendation, May 27, 2010; Mem. & Recommendation, Jun. 14, 2010; Order, Jul. 8, 2010; Order, Jul. 22, 2010; Order, Aug. 9, 2010.) Regardless of the duplicative nature of Defendant's pleadings, however, this Court will not entertain dispositive or post-trial motions in criminal cases that fail to comply with the Local Rules, which require the filing of a motion and supporting legal brief. LCrR 47.1(C). This Court will not entertain one and half page post-trial motions that request that the Court dismiss the charges in a Bill of Indictment where the Defendant fails to file a supporting a legal brief as required by the Local Rules. Accordingly, the Court **DENIES without prejudice** the motions [# 247 & # 251]. Defendant may renew his motions upon the filing of a motion with a supporting legal brief.

Signed: December 16, 2014



Dennis L. Howell
United States Magistrate Judge 